

Applicant: Kenneth W. Whitley
Application No.: 10/666,357
Filing Date: September 19, 2003
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REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-2, 4-7, 9-16 and 19-20 are in the application. Through this amendment, claim 1 has been amended, and claims 3 and 18 have been canceled. Claim 4 has been amended to depend from claim 1. Support for the amendments made herein may be found in Paragraph [0025] and in claims 3 and 18 as originally filed.

In the Official Action, the Examiner rejected claims 1-5, 7, 9-15 and 18-20 under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. (U.S. Patent No. 4,912,048) in view of Keilman et al. (U.S. Patent No. 4,717,668) and further in view of Serkes et al. (U.S. Patent No. 4,962,033). The Examiner admitted that Smith et al. "does not expressly disclose that the ribs are integrally formed with the wall". To allegedly overcome this deficiency, the Examiner asserted that Keilman et al. discloses that "ribs are formed integrally with the remainder of the flexible cylindrical wall that defines the roller bottle." The Examiner further admitted that the hypothetical combination of Smith et al. and Keilman et al. does not "indicate that the rib includes an outer wall extending radially outwardly from the pleats in such a way that the rib outer wall is flush with the outermost portions of the pleats." The Examiner referred to elements 22, 24 in Fig. 2 in Serkes et al. for supposedly disclosing ribs which "include an outer wall extending outwardly from the pleats so that the rib outer wall is flush with the outermost portions (40) of the first apices of the pleats. The rib outer wall does not protrude from the first apices." The Examiner concluded that it would have been obvious to one skilled in the art to combine Smith et al., Keilman et al. and Serkes et al. as indicated.

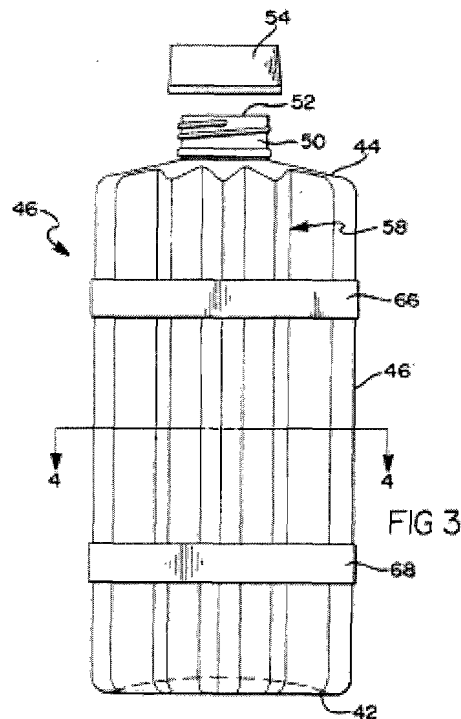
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With respect to former claims 3, 4 and 18, the Examiner asserted that Serkes et al. "indicates that it is known in the art to provide cylindrical walls that further include at least one unpleated longitudinal section defining a drain panel." In support of this contention, the Examiner pointed to elements 22 and 24 of Serkes et al. as each defining a drain panel. The Examiner asserted that it would have been obvious to ensure that the ribs of Smith et al. and Keilman et al. are flush with the drain panel of Serkes et al.

Applicant has amended claim 1 to incorporate the limitations of claims 3 and 18. In particular, claim 1 has been amended to recite that the cylindrical wall further includes "at least one unpleated longitudinal section defining a drain panel," and that "said rib outer wall being flush with the outermost portions of said drain panel such that said rib outer wall does not protrude radially outwardly from said drain panel." Further, claim 1 has been amended to recite that the rib is "not superimposed across said drain panel". As described in the application as filed, the outer wall of the rib should be flush with the outermost wall of the drain panel "to facilitate the conveyance of fluid to the liquid opening along panels 30 and eliminate the possibility that the liquid contents of the bottle would become trapped in these areas." (Paragraph [0025]). In addition, the rib does not interfere with the placement and rolling of the roller bottle while on its side. Thus, the rib being flush with the outermost portion of the drain panel and not superimposed across the drain panel, such that it does not protrude radially outwardly from the drain panel, is an important feature of the bottle while in use.

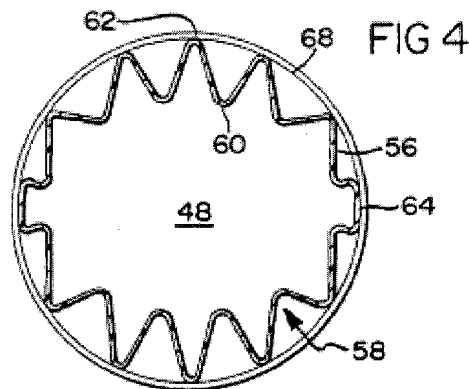
It is respectfully submitted that none of the cited references disclose or suggest incorporating a bottle configuration where a rib is flush with the drain panel and is not

superimposed on the outer surface of the drain panel. In fact, the cited references each disclose bottles having ribs that either extend beyond the outermost portion of the drain panel or are superimposed on the outer surface of the drain panel. For example, Smith et al. disclose a bottle incorporating a collar (element 66), which extends around the circumference of the bottle. The Examiner has cited this collar (66) as being equivalent to the rib of the present invention. As can be seen in Figure 3, the figure upon which the Examiner relies, the collar (66) clearly extends beyond the outermost region of the pleats and drain panels:



In fact, Smith et al. make it clear that both of the collars (66, 68) are to be affixed to the bottle in a way so that they are “removable from the vessel’s surface so that they can be used or removed at the user’s option.” (Col. 4, lines 16-19). Clearly, the collars in Smith et al. were designed so that they can be slid on and off of the bottle, thus they must always be disposed on

the outside of the bottle. Thus, the collars in Smith et al. are intended to be superimposed onto the outside of the surface of the bottle, including the pleated sections and the drain panels. The outside placement of the collar with respect to the pleated sections and the drain panels can be seen in Figure 4 of the Smith et al. reference:



As can be seen, the collar 68 extends continuously and circumferentially about the bottle, and is specifically superimposed on the outside portion of the pleated sections (56) and the drain panels (64).

With reference to Figure 6, Serkes et al. discloses the use of pleats and drain panels. All of the elements of the Serkes et al. roller bottle terminate at the same circumference – i.e., the ribs, the pleats and the drain panels all extend to the same radius.

With any hypothetical combination of Smith et al. and Serkes et al., a hypothetical roller bottle is produced having a rib superimposed across a drain panel. The ribs (collars 66, 68) in Smith et al. are continuous about the entire circumference of the bottle. The ribs cited by the Examiner in Serkes et al. are longitudinally disposed and extend continuously without interruption. There is no disclosure in Smith et al. or Serkes et al. to make the ribs

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discontinuous. In addition, the ribs of Keilman et al. are continuous and do not overcome these deficiencies. Claim 1 recites that the rib is not superimposed over the drain panel. It is respectfully submitted that claim 1, along with dependent claims 2, 4, 5, 7, 9-15, 19 and 20 are patentable over Smith et al., Keilman et al. and Serkes et al., each taken alone or in combination.

Claim 6 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. in view of Keilman et al., further in view of Serkes et al., and further in view of O'Connell (U.S. Patent No. 4,763,804). The Examiner admitted that the previous combination does not "expressly disclose that the neck portion includes a locking arrangement for holding a cap in a locked open position". The Examiner relied on O'Connell for allegedly overcoming this deficiency.

Claim 6 depends from claim 1. There is no discussion or disclosure in O'Connell of a bottle which incorporates pleated sections and a drain panel, nor does O'Connell disclose a rib which is not superimposed across the drain panel and is flush with the outermost portion of the drain panel. Thus, O'Connell does not overcome the deficiencies noted above of Smith et al., Keilman et al., and Serkes et al. It is respectfully submitted that claim 6, as depending from claim 1, is also patentable.

Claim 16 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. in view of Keilman et al., further in view of Serkes et al., and further in view of Sugiura et al. (U.S. Patent No. 4,749,092). The Examiner relied on Sugiura et al. for allegedly disclosing an inwardly extending rib.

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Claim 16 depends from claim 1. There is no discussion or disclosure in Sugiura et al. of a bottle which incorporates pleated sections and a drain panel, nor does Sugiura et al. disclose a rib which is not superimposed across the drain panel and is flush with the outermost portion of the drain panel. As such, Sugiura et al. does not overcome the deficiencies noted above of Smith et al., Keilman et al., and Serkes et al. It is respectfully submitted that claim 16 is likewise patentable.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,

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